

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CENGAGE LEARNING, INC.;  
BEDFORD, FREEMAN & WORTH  
PUBLISHING GROUP, LLC D/B/A  
MACMILLAN LEARNING;  
MACMILLAN HOLDINGS, LLC;  
ELSEVIER INC.; ELSEVIER B.V.; and  
MCGRAW HILL LLC,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

**Civil Action No. 24-cv-04274-JLR-BCM**

**NOTICE OF PLAINTIFFS' MOTION TO STRIKE AFFIRMATIVE DEFENSES**

**PLEASE TAKE NOTICE THAT** upon the accompanying Memorandum of Law, and the entire record herein, Plaintiffs Cengage Learning, Inc., Bedford, Freeman & Worth Publishing Group, LLC d/b/a Macmillan Learning, Macmillan Holdings, LLC, Elsevier, Inc., Elsevier B.V., and McGraw Hill LLC (collectively, "Plaintiffs") hereby move this Court, at a date and time to be determined by the Court, before the Honorable Jennifer L. Rochon, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order pursuant to Federal Rule of Civil Procedure 12(f) striking Defendant Google LLC's second, third, fourth, and thirteenth affirmative defenses as set forth in Google's Answer, filed on July 2, 2025 (Dkt. 116).

Dated: July 23, 2025

Respectfully submitted,

/s/ Michele H. Murphy

Matthew J. Oppenheim

Michele H. Murphy (*pro hac vice*)

Jeff Kane (*pro hac vice*)

Kevin P. Lindsey

Uriel Lee (*pro hac vice*)

OPPENHEIM + ZEBRAK, LLP

4530 Wisconsin Avenue NW, 5th Floor

Washington, DC 20016

202-480-2999 telephone

866-766-1678 fax

matt@oandzlaw.com

michele@oandzlaw.com

jkane@oandzlaw.com

klindsey@oandzlaw.com

ulee@oandzlaw.com